

23264. Adulteration and misbranding of 666 Salve. U. S. v. 122 Packages of 666 Salve. Default decree of condemnation and destruction. (F. & D. no. 33011. Sample no. 65666-A.)

This case involved a drug preparation, the labeling of which contained unwarranted curative, therapeutic, and antiseptic claims.

On July 5, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 122 packages of 666 Salve at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 9, 1934, by the Monticello Drug Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Monticello Drug Company, New York City, New Orleans, La., Jacksonville, Fla. Mexico, D. F."

Analysis showed that the article consisted essentially of volatile oils including camphor, menthol, eucalyptol and a coniferous oil such as cedar-leaf oil incorporated in petrolatum. Bacteriological tests showed that it was not an antiseptic.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic."

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (Label) "Its Antiseptic * * * properties"; (circular) "666 Salve is a powerful antiseptic. It destroys Streptococci (pus-forming) organisms, * * * It also destroys Staphylococcus Aureus, which is one of the most resistant of all germs, * * * On account of its germ-destroying properties—to destroy the germs externally." Misbranding was alleged for the further reason that the following statements in the circular, regarding the curative or therapeutic effects of the article, were false and fraudulent: "For treating Acute Inflammatory Infection of the Nasal Mucous Membrane, commonly known as * * * Acute Nasal Catarrh; characterized by slight fever, chilly sensations, sneezing, perhaps headaches, hoarseness, and slight sore throat due to sudden temperature changes, exposure to over-heating, droughts, cold, damp feet, etc. * * * It destroys Streptococci (pus-forming) organisms, largely responsible for Sore Throat and frequently a dangerous invader of open wounds. * * * if placed in the nostrils in the morning or before going into public places, it will aid in preventing certain contagious diseases. * * * it is a wonderful dressing for * * * lacerations, etc."

On October 8, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23265. Adulteration and misbranding of aromatic spirits of ammonia, spirits of camphor, sweet spirit of niter, hydrogen peroxide, and aqua ammonia; and misbranding of aromatic cascara. U. S. v. 84 Bottles of Aromatic Cascara, et al. Default decrees of condemnation and destruction. (F. & D. nos. 33018 to 33023, incl. Sample nos. 63087-A, 63088-A, 63091-A, 63094-A, 63188-A, 63191-A.)

These cases involved various drugs labeled as, or purporting to be, of pharmacopoeial standard, but which were found to be below the standard laid down in the United States Pharmacopoeia. The labels of certain of the products were further objectionable in the following respects: The aromatic cascara failed to bear a declaration of the alcohol content; the sweet spirit of niter contained less ethyl nitrite than declared; the hydrogen peroxide would yield less oxygen than indicated and would not have the antiseptic, disinfecting, and germicidal properties claimed; and the aqua ammonia contained less ammonia than declared.

On or about July 20, 1934, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of certain drugs at Phoenix, Ariz. The libels alleged that the articles had been shipped in interstate commerce between the dates of January 23 and May 23, 1934, by the Superior Laboratories, from Los Angeles, Calif., and that they were misbranded and, with the exception of the aromatic cascara, adulterated in violation of the Food and Drugs Act. The drugs covered by the libels were as follows: 126 bottles labeled, "Aromatic Cascara"; 204 bottles labeled, "Aromatic Spirits of Ammonia, U. S. P."; 174 bottles labeled, "Spirits Camphor U. S. P."; 96 bottles labeled, "Sweet Spirit of Nitre U. S. P."; 233 bottles labeled, "Hydrogen Peroxide H₂O₂ 10 Vol. * * * Active Ingredients Hydrogen

Peroxide 3%"; 100 bottles labeled, "Aqua Ammonia 10%." The articles were further labeled, "Pacific Pharmacal Laboratories, Los Angeles, California."

The libels charged adulteration of the sweet spirit of niter, aromatic spirits of ammonia, spirits of camphor, and aqua ammonia, in that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and their own standard was not declared on the container. Adulteration of the aqua ammonia was alleged for the further reason that its strength fell below the professed standard under which it was sold, namely, "Aqua Ammonia 10%."

Adulteration of the hydrogen peroxide was alleged for the reason that it was sold under a name synonymous with a name recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the tests laid down in the said pharmacopoeia official at the time of investigation; and for the further reason that its strength fell below the professed standard under which it was sold, namely, " H_2O_2 10 Vol." (indicating that it would yield ten times its volume of oxygen) and "Active Ingredients Hydrogen Peroxide 3%."

The libel charged that the aromatic cascara was misbranded in that the designation, "Aromatic Cascara" on the label, was false and misleading, since it created the impression that the article was aromatic fluidextract of cascara sagrada, a preparation described in the United States Pharmacopoeia, whereas it differed from that article in that it contained 8.2 percent of alcohol whereas the pharmacopoeial product contains 17 percent to 19 percent of alcohol; and for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained therein. Misbranding of the hydrogen peroxide was alleged for the reason that the statements on the label, " H_2O_2 10 Vol * * * Active Ingredients Hydrogen Peroxide 3%", were false and misleading, and for the further reason that the statement, "A safe and Powerful Antiseptic, Disinfectant and Germicide", was false and misleading since a product of the composition revealed by analysis would not be a safe and powerful antiseptic, disinfectant, and germicide. Misbranding was alleged with respect to the remaining products for the reason that the statements, "Sweet Spirit of Nitre U. S. P. * * * Ethyl Nitrite 17.5 Grains to Average Ounce", "Aromatic Spirits of Ammonia U. S. P.", "Spirits Camphor U. S. P.", and "Aqua Ammonia 10%", were false and misleading.

On September 8 and September 12, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23266. Adulteration and misbranding of Booth's Hyomei. U. S. v. 20 Bottles of Booth's Hyomei. Default decree of condemnation and destruction. (F. & D. no. 33025. Sample no. 65649-A.)

This case involved a drug preparation, the labeling of which contained unwarranted curative, therapeutic, and antiseptic claims.

On July 5, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bottles of Booth's Hyomei at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about January 12 and February 11, 1934, by Booth's Hyomei Co., from Ithaca, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of volatile oils (32 percent) including eucalyptol and menthol, creosote, alcohol, and water. Bacteriological examination showed that neither the liquid nor its vapor was antiseptic.

The libel charged that the article was adulterated in that its strength fell below the professed standard under which it was sold, (carton) "An Antiseptic Breathing Treatment", since the article was not an antiseptic.

Misbranding was alleged for the reason that the bottle label, carton, and circulars shipped with the article contained false and fraudulent representations regarding its effectiveness in the treatment of catarrh of the head or throat, hay fever, catarrhal coughs, bronchitis, croup, spasmodic croup, bronchial catarrh, catarrhal laryngitis, stuffed-up head, hoarseness, husky voice, raw and inflamed membrane of the nose and throat, protracted or frequent colds,